

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग I—खण्ड I

PART I—Section 1

प्रविकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 108] नई दिल्ली, सोमवार, अगस्त 7, 1967/श्रावण 16, 1889

No. 108] NEW DELHI, MONDAY, AUGUST 7, 1967/SRAVANA 16, 1889

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिसमें कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF COMMERCE

PUBLIC NOTICES

IMPORT TRADE CONTROL

New Delhi, the 5th August 1967

SUBJECT—Imports from U.S.A. under the U.S. AID Commodity Program Assistance 1966 (AID Loan No. 386-H-160).

No. 72-ITC(PN)/67.—Attention of importers is invited to Ministry of Commerce Public Notice No. 115 ITC(PN)/66, dated the 11th August, 1966 as amended by Public Notice No. 126-ITC(PN)/66, dated the 2nd September, 1966, No. 146-ITC(PN)/66, dated the 8th November, 1966, No. 36-ITC(PN)/67, dated the 24th May, 1967 and No. 43-ITC(PN)/67, dated 19th June, 1967 setting out the terms and conditions applicable to import licences issued against U.S. AID Loan No. 386-H-160.

2. The following further amendments to the aforesaid Public Notice No. 115-ITC(PN)/66, dated the 11th August, 1966 are notified:—

I. In the Appendix:

- (a) In Clause (I) relating to Eligible Items, for the third sentence, viz., "The minimum value for which a licence will issue is Rs. 7,600" read "The minimum value for which a licence will issue is Rs. 7,500".

(b) In Clause (IX) relating to Documentation, insert the following at the end:—

"D. Certificate regarding concerted pricing.—One signed original of the Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) executed by—

(i) The supplier of the commodity; and

(ii) The producer of the commodity, if the supplier indicates in paragraph (1) (a) of the Certificate that he is not also the producer.

A copy of the Certificate and Agreement Regarding Concerted Pricing is shown in Annexure XIII.

"This certification regarding concerted pricing is applicable when the supplier supplies any of the following commodities:—

Carbon black (Commodity Code 3903);

Paper, pulp and paper board (Commodity Codes 5911, 5912, 5919 and 5921);

Rubber products (Commodity Codes 8913 and 8914);

"All invoices relating to sales of the above commodities for which Letters of Credit are posted after 1st January 1967 must be accompanied by this Certificate.

"E. Producer's invoice.—Whenever the supplier indicates in paragraph 1(a) of the Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) that he is not also the producer, one copy of the producer's invoice covering the same commodities which are described in the supplier's invoice.

"NOTE.—The original of each Supplier's Certificate (A.I.D. Form 281) and each Certificate and Agreement regarding Concerted Pricing (A.I.D. Form 285) shall be signed by hand and shall bind the person or organization on whose behalf the execution is made. Any person or organisation on whose behalf another purports to sign a Certificate which is submitted by such person or organisation shall in all respects be bound thereby, notwithstanding that the person so signing acted without express authority."

(c) In Clause (XXVII) relating to list of annexure by titles, insert the following at the end:—

"Annexure XIII—Certificate and Agreement regarding concerted pricing (A.I.D. Form 285)".

II. In Annexure III relating to 'Notice to U.S. Business', in paragraph 1 of instructions, for the existing fifth sentence, namely, "Care should be particularly taken to avoid mention of Model Nos., Maker's name etc." read "In those instances where trade or brand names are used in the description for identification purposes, the importer should indicate that offers will be accepted for comparable products by including the following note under the description:—

"For items identified herein by trade, brand name or equal, such identification is intended to be descriptive, but not restrictive, and is to indicate the quality and characteristics of material, equipment or other products that will be satisfactory. Importer agrees to accept and evaluate offers for comparable products".

III. In Annexure IV relating to Form of application for authorisation under Letter of Commitment—

In paragraph 1 of the application form, in sub-paragraph (b), for the words "(Calculated at Rs. 757.50 per \$ 100)" read "(Calculated at Rs. 750.00 per \$ 100).

Explanation.—As the import licences are issued at the International Monetary Fund par rate i.e. Rs. 750 = \$ 100, the value of the licence in dollars is calculated at this rate of exchange, notwith-

standing the fact that the rupee deposit recoverable from the importer towards the dollar amount debited to the loan account is calculated at \$ 757.50 per \$ 100.

IV. In Annexure VI relating to Source Rulings after the existing serial number 22, insert the following additional items:—

S. No.	Item	Source Ruling
23.	Medicinal and Pharmaceutical Preparation.	A.I.D. has ruled that medicinal and pharmaceutical preparations (Commodity Codes 3701 and 3702), manufactured in the United States may contain components from countries listed under AID Geographic Code 899 provided the total cost of such components (delivered to the point of production) does not exceed 25 per cent of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by AID). This is an industry ruling for which individual application need not be made
24.	Nickel Sulfate. Nickel Carbonate. Nickel Acetate. Nickel Chloride. Nickel Formate. Nickel Nitrate. Rufert Nickel Catalysts. Nysel Nickel Catalysts.	A.I.D. has ruled that nickel imported from countries listed under AID Geographic Code 899 used in the production of nickel sulphate, nickel carbonate, nickel acetate, nickel chloride, nickel formate, nickel nitrate, Rufert Nickel Catalysts and Nysel nickel catalysts by U.S. producers is exempt from the 10% comonetry rule. This is an industry ruling for which individual application need not be made.

Annexure to Public Notice No. 115-ITC(PN)/66 dated the 11th August, 1966

ANNEXURE XIII

CERTIFICATE AND AGREEMENT REGARDING CONCERTED PRICING

(A.I.D. Form 285)

In consideration of the receipt of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment, in whole or in part, of the sum indicated on the accompanying invoice as claimed to be due and owing, the undersigned, acting on behalf of the firm whose name appears on line 5 below (the supplier or the producer of the commodities) and authorised to bind such firm, agrees with and certifies to A.I.D. as follows:

(1) The firm whose name appears on line 5 below—

- Is the A.I.D.—financed supplier, but is not the producer of the goods described by the attached invoice which the supplier has executed.
- Is the A.I.D.—financed supplier and is also the producer of the goods described by the attached invoice which the supplier has executed.
- Is not the A.I.D.—financed supplier, but is the producer of the goods described by the attached invoice which the producer has executed.

(Check the appropriate box).

(2) The price and quantity terms of the sale described by the attached invoice have been arrived at independently by the firm on whose behalf this Certificate is executed, without consultation or agreement, direct or indirect, concerning any matter relating to such price or quantity with any other bidder, offerer, competitor, or any member of an Export Trade Association (an Association within the meaning of 15 U.S.C. SS 61-65), and without reliance upon any price established or recommended by any such Association.

(3) If the undersigned has checked box (1) (a) of this Certificate, he has also appended an invoice executed by the producer of the commodities described in the supplier's invoice and a Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) executed by the producer of such commodities.

- (4) Invoice No. _____
 (5) A.I.D. No. _____
 (6) Name of firm _____
 (7) Name of undersigned and position in firm _____
 (8) Signature _____
 (9) Date _____

Instructions: "Firm" means the supplier or producer on whose behalf this Certificate and Agreement Regarding Concerted Pricing is executed. The supplier of the commodity shall execute this Certificate in every case in which he is required to do so as a condition for receiving payment. If the supplier indicates in box (1) (a) that he is not also the producer of the commodities (through manufacturer, processing, mining, growth or assembly), he shall attach to his invoice the invoice of the producer (covering the same commodities described in the supplier's invoice) and an additional Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) executed by the producer of the commodities. On line 4, the supplier or the producer shall insert the serial number or other number which he has assigned to his invoice. On line 5 the supplier or the producer shall insert the A.I.D. implementation number which identifies the transaction.

SUBJECT:—*Flexibility allowed to actual users in the utilisation of import licences for raw materials, components and spares.*

No. 73-ITC(PN)/67.—Attention is invited to paragraph 84 and 85 of the Import Trade Control Hand Book of Rules and Procedure, 1967, as amended by the Ministry of Commerce Public Notice No. 57-ITC(PN)/67, dated the 3rd July, 1967. These paragraphs provide for the extent up to which flexibility is allowed to actual users in the utilisation of their import licences for raw materials, components and spares. These provisions supersede the earlier provisions contained in paragraphs 84 and 84-A of the Import Trade Control Hand Book of Rules and Procedure, 1966.

2. Enquiries have been received in regard to the scope and applicability of the above said paragraphs of the Import Trade Control Hand Book of Rules and Procedure, 1967. It is clarified that these provisions are in supersession of the earlier provisions contained in the Import Trade Control Hand Book of Rules and Procedure, 1966, and apply to import licences issued to actual users against which goods are shipped on or after the 3rd July, 1967, the date on which the Import Trade Control Hand Book of Rules and Procedure, 1967 was issued. However, in order to remove genuine hardships, it has been decided that, if an importer produces documentary evidence at the time of clearance of the goods, as acceptable to the customs, to show that, an irrevocable and firm commitment in respect of the goods was made before the date of this Public Notice, viz., 5th August, 1967, the customs authorities may, in their discretion, on the basis of the evidence produced, consider the import in terms of the earlier provisions contained in the Hand Book of Rules and Procedure 1966, provided the import is otherwise in order.

3. The crucial date mentioned in paragraph 2 above will be 16th May, 1967, instead of the 5th August, 1967, in the case of imports of Stainless Steel Sheets/plates/strips/circles, under paragraph 84A of the Hand Book of Rules and Procedure, 1966. In this connection, attention is invited to the Ministry of Steel, Mines and Metals, Public Notice No. 22/IP(PN)/67, dated 16th May, 1967.

P. D. KASBEKAR,

Chief Controller of Imports and Exports.